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State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General
MARK S. HERR
Director

February 24, 1997

Sharon Akrish, D.D.S.
37 Dreyer Avenue
Staten Island, NY 10314

Mailing Address:
P.O. Box 45005
Newark NJ 07101
(201) 504-6405

Re: Order of Suspension

Dear Dr. Akrish:

This will confirm receipt of your \$500.00 penalty to satisfy the terms of a Order of Suspension entered by the New Jersey State Board of Dentistry for your failure to complete 20 hours of continuing education credit for the 1995-97 biennial license renewal period.

Your dental license will not be suspended and a copy of this letter will be attached to the January 22, 1997 Order. It will be considered a part of the public document and will be provided with the Order when any inquiries are made regarding the status of your New Jersey dental license.

Should you require additional clarification concerning this matter, please feel free to contact the Board office.

Very truly yours,

A handwritten signature in cursive script that reads "Agnes M. Clarke".
Agnes M. Clarke
Executive Director

cc: M. Bair, D.A.G.

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 1-22-97

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

In the Matter of the Suspension:
or Revocation of the License of:

SHARON AKRISH, D.D.S.

To Practice Dentistry in the
State of New Jersey

ORDER OF SUSPENSION

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "the Board") upon a Notice of Motion for Enforcement of Litigant's Rights and Suspension of License and accompanying Certification of Agnes Clarke, Executive Director of the Board, stating that Sharon Akrish, D.D.S. (hereinafter "respondent") has failed to comply with the Board's decision assessing a \$500.00 civil penalty for respondent's failure to complete twenty credits of continuing dental education as required by N.J.A.C. 13:30-8.18 for the biennial license renewal period of 1995-1997.

On May 13, 1996, a Uniform Penalty Letter (hereinafter "UPL") was sent to respondent informing her that she had failed to complete the continuing dental education required for the biennial license renewal period of 1995-1997. The UPL advised respondent that she could settle the matter by paying a civil penalty in the amount of \$500.00 and by completing the continuing education credits by December 31, 1996. Respondent waived her right to a hearing and submitted a written statement for the Board's final

consideration in this matter. Respondent's May 24, 1996 written submission indicated that during the time allowed for her to complete her continuing education, she became pregnant; and due to difficult circumstances, she had to delay taking the courses and shorten her work week. At the July 10, 1996 public session, the Board reviewed respondent's written statement and sustained the \$500.00 penalty, having found no reason to alter its decision. By letter of date July 11, 1996, respondent was informed that the Board had reviewed her written statement and had sustained the civil penalty. She was given ten days of receipt of the notification to make the payment of \$500.00.

On July 18, 1996, respondent again wrote to the Board requesting that it waive the \$500.00 penalty in light of the fact that she had been pregnant, working, and raising a second child during the time allowed to take the credits. At the August 7, 1996 public session, the Board reviewed respondent's second written statement and again sustained the \$500.00 penalty, having found no reason to alter its decision. By letter of date August 13, 1996, respondent was informed that the Board had reviewed her written statement and had sustained the penalty which was to be paid within ten days of receipt of the letter. Respondent failed to pay the civil penalty at that time or anytime thereafter.

On November 18, 1996, a Notice of Enforcement of Litigant's Rights and Suspension of License together with a supporting Certification and Proof of Mailing was sent to respondent indicating that Marilyn A. Bair, Deputy Attorney General, would

move before the Board on January 8, 1997 for an Order directing that respondent make an immediate payment of the \$500.00 civil penalty and that respondent's license be suspended for failure to comply with the decision of the Board. As allowed by the Notice of Enforcement, on November 20, 1996, respondent made a written submission to be considered by the Board in lieu of her appearance. In that letter that she stood by her previous defense that in light of her circumstances, she should not have been fined \$500.00 "for not completing twenty credits within nine months."

Prior to the Board's consideration of this matter at its January 8, 1997 meeting, Agnes Clarke, Executive Director, wrote to respondent on December 3, 1996 again explaining the requirement of completing twenty credits, and further noting, that during the time allowed to complete the credits, respondent did not make the Board aware of any problems or circumstances which made it difficult for respondent meet the requirement. In fact, respondent did not communicate with the Board until almost seven months after the credits were to be completed and only after receiving the UPL from the Board. Said letter further offered to allow respondent to pay the civil penalty in five monthly installments for a five month period. Having received no response to said letter and offer, the Board office called respondent and was told by respondent that she did not accept this offer and would take the consequences of whatever the Board decided upon its review of the matter.

At the January 8, 1997 public session, the Board reviewed and considered respondent's written response to the Notice of Motion

For Enforcement of Litigant's Right's and Suspension of License. The Board, as before, determined that respondent did not in a timely manner notify the Board of any problems in meeting the requirements for the biennial license renewal period of 1995-1997. Further, the reasons presented by respondent for failing to comply were not sufficient to cause a waiver of the \$500.00 civil penalty. It is noted here that respondent did complete the twenty credit hours within the extension granted.

In consideration of the record herein, the Board makes the following Findings of Fact and Conclusions of Law:

1. Respondent failed to complete twenty credits of continuing dental education required for the biennial license renewal period of 1995-1997.

2. On May 13, 1996, a UPL was sent to respondent advising her that she had been assessed a civil penalty of \$500.00 for failure to complete the credits, and been given until December 31, 1996 to complete them.

3. In a written submission, respondent asked that the civil penalty of \$500.00 be waived. After review of the matter, the Board advised respondent that it sustained its decision. Respondent wrote a second letter to the Board again requesting that the penalty be waived based upon the reasons articulated in the first letter; and after review of the matter, the Board again sustained its decision. Respondent has failed to pay the civil penalty in the amount of \$500.00.

4. After the Notice of Motion for Enforcement of Litigant's Rights and Suspension of License was sent and prior to the January 8, 1997 hearing, the Board provided respondent with yet another opportunity to resolve the matter by paying the \$500.00 penalty in five monthly installments of \$100.00. Respondent declined.

5. Failure to comply with the continuing education requirements and the Boards' decision arising thereof constitutes violations of N.J.A.C. 13:30-8.18 and N.J.S.A. 45:1-21 respectively.

IT IS ON THIS 22nd DAY OF JANUARY 1997

HEREBY ORDERED THAT:

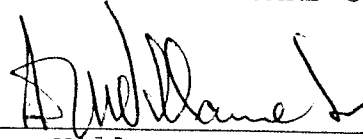
1. Respondent shall pay by certified check or money order made payable to the State of New Jersey the civil penalty in the amount of \$500.00. Respondent has thirty days from the entry of the within Order to make said payment.

2. If respondent fails to make the payment as described above, the license of respondent, Sharon Akrish, D.D.S., to practice dentistry in the State of New Jersey is hereby suspended indefinitely, and such suspension shall commence thirty days after the entry of the within Order. At such time, respondent shall submit her dentistry license and CDS and DEA registrations to the Board of Dentistry at 124 Halsey Street, 6th Floor, Newark, New Jersey 17101, or surrender such credentials to the Board's designee.

3. During the period of suspension, respondent shall derive no financial remuneration directly or indirectly related to patient

fees paid for dental services rendered by other licensees for patients of respondent's practice. The attached "Directive Regarding Future Activities of Board Licensee Who Has Been Suspended/Revoked And Use Of The Professional Premises" is hereby incorporated into this Order.

NEW JERSEY STATE BOARD OF DENTISTRY

A handwritten signature in dark ink, appearing to read 'Anthony Villane, Jr.', written over a horizontal line.

Anthony Villane, Jr., D.D.S.
President

**DIRECTIVE REGARDING FUTURE ACTIVITIES
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/
REVOKED AND USE OF THE PROFESSIONAL PREMISES**

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.